

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	}	
James Colby Perry, III	}	Case No. 3:13-bk-06680
502 Flintlock Ct	}	
Nashville, TN, 37217	}	Chapter: 13
SSN: XXX-XX-0560	}	
	}	Judge Marian Harrison
Debtor.	}	

EXPEDITED HEARING ON MOTION TO UTILIZE INSURANCE PROCEEDS

COMES NOW the Debtor, by and through counsel, and pursuant to Local Rule 9075, respectfully moves the Court as follows:

I. EXPEDITED RELIEF REQUESTED

- A. The Debtor moves this Court to allow the modification of their plan and requests court approval to incur a debt in order to fund the purchase of a replacement vehicle through Inland Bank.
- B. The Debtor has been approved for \$12,672.00 with a interest rate of 22% and a monthly payment of \$350.00 per month to be over (60) months with a balance being owed to Inland Bank after completion of the plan.
- C. In order to fund the payment to Inland Bank, the Debtor proposes to increase plan payments from \$605.00 biweekly to \$698.14 biweekly.
- D. The dividend to unsecured creditors shall remain at 13%% and the base would increase to \$90,297.31.
- E. The Debtor shall maintain full coverage insurance on the motor vehicle and list Inland Bank as the loss payee.
- F. The Debtor will waive discharge of the post-petition debt to Inland Bank.
- G. The monthly payments to Inland Bank shall be disbursed with all other secured claims. Inland Bank's claim for post-petition financing will be viewed as a continuing debt and will not be subject to discharge.
- H. The Debtor asks that the claim be treated by the Trustee as a long term obligation pursuant to 11

USC 1322(b)(5), and that the Trustee need not allocate interest and principal in the disbursements to Inland Bank.

- I. Upon completion of the Chapter 13 plan payment, the Debtor's obligation to Inland Bank will be a secured obligation and shall be paid directly by the Debtor.
- E. An amended budget is attached hereto as an exhibit evidencing the ability to fund the increased plan payment.
- F. The Debtor has taken the Trustee's financial management course.
- G. Debtor requests that this motion be heard on an expedited basis because the Debtor is no longer entitled to a rental car and needs transportation from their home to their workplace to continue funding the Chapter 13 plan. The initially hoped that he could use the insurance proceeds to purchase a car without the need to incur debt, but the Debtor is having a hard time finding a reliable vehicle.

II. SUGGESTION OF EXPEDITED HEARING DATE AND TIME

- D. The Debtors are requesting that this motion be set for expedited hearing on 6/17/2015 at 8:30 a.m. in Courtroom One of the United States Bankruptcy Court for the Middle District of Tennessee, 701 Broadway, Nashville, TN 37203.

III. NOTICE OF EXPEDITED HEARING

- E. Notice of this expedited motion shall be given to all parties on the Certificate of Service by either facsimile, electronic or U.S. mail first class as specified in the Certificate of Service.

WHEREFORE, the Debtor would request that the Court grant this Motion and authorize the Debtor to modify the plan and incur debt for a replacement vehicle

Respectfully submitted,

/s/ Jonathan Augusta_____

D. Jonathan Augusta, BPR #25880, Attorney for Debtor
731 Porter Rd
Nashville, TN 37206
(615) 600-4577
fax: (615) 249-3448
derricaugusta@comcast.net

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2015, I furnished a true and correct copy of the foregoing to the following parties in interest:

Henry E. Hildebrand, III
Chapter 13 Trustee
P.O. Box 340019
Nashville, TN 37203

Electronic

Samuel Crocker, U.S. Trustee
318 Customs House, 701 Broadway
Nashville, TN 37203

Electronic

James Colby Perry, III
502 Flintlock Ct
Nashville, TN, 37217

U.S. mail first class

I have sent out notices.

/s/ Jonathan Augusta
D. Jonathan Augusta

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: JAMES PERRY III CASE NO: 14-06859
 CHAPTER 13
 JUDGE MASHBURN

	OLD	NEW	INCOME	OLD	NEW
Date of Budget					
Rent/Mortgage Payment	\$0.00	\$0.00	Debtor's net pay	\$2,894.00	\$2,894.00
UTILITIES			Spouse's net pay		
Electric	\$120.00	\$120.00	Regular Other		
Water	\$30.00	\$30.00	Income		
Heat			Support/Alimony		
Telephone	\$0.00	\$0.00	Pension/SS/VA		
Trash			Misc. Income		
Cable	\$200.00	\$200.00	TOTAL INCOME	\$2,894.00	\$2,894.00
Total Utilities	\$350.00	\$350.00	Total Expenses	\$1,684.00	\$1,497.00
Food	\$550.00	\$500.00			
Clothing	\$60.00	\$10.00	Plan Payment	\$1,210.00	\$1,397.00
Laundry and Dry Cleaning	\$50.00	\$20.00	Total Expenses		
Newspapers, Books, etc.	\$40.00	\$23.00	plus Plan Payment	\$2,894.00	\$2,894.00
Medical and Dental	\$50.00	\$20.00			
Transportation	\$350.00	\$350.00	Difference:	\$0.00	\$0.00
INSURANCE					
Auto	\$84.00	\$84.00	DEPENDANTS	0	0
Life					
Home	\$0.00	\$0.00			
Renters					
Other					
			Statement of Impact		
			Duration of Plan	60	60
Total Insurance	\$84.00	\$84.00	Dividend to U/S	13%	13%
Taxes (not deducted from wages)					
Child support			Change in treatment		
Home Maintenance	\$100.00	\$100.00	to Secured Creditors	none	
Other Monthly Expenses(explain)	\$0.00	\$0.00			
Haircuts/toiletries/cleaning supplies	\$50.00	\$40.00			
Pet Food	\$0.00	\$0.00			
Total Monthly Expenses	\$1,684.00	\$1,497.00			

3:13-bk-06680 James Colby Perry, III
Case type: bk **Chapter:** 13 **Asset:** Yes **Vol:** v **Judge:** Marian F Harrison
Date filed: 07/31/2013 **Date of last filing:** 04/10/2015 **Plan confirmed:** 09/17/2013

Creditors

American InfoSource LP as agent for

Verizon (5296695)
PO Box 248838 (cr)
Oklahoma City, OK 73124-8838

Ascend Fcu

ATTN: BANKRUPTCY (5246270)
Po Box 1210 (cr)
Tullahoma, TN 37388

Bank Of America, N.a.

ATTN: CORRESPONDENCE UNIT/CA6-919-02-4 (5246271)
Po Box 5170 (cr)
Simi Valley, CA 93062

Cach, Llc

ATTENTION: BANKRUPTCY (5246272)
4340 South Monaco St. 2nd Floor (cr)
Denver, CO 80237

Chase

Po Box 15298 (5246273)
Wilmington, DE 19850 (cr)

CHEADLE & CHEADLE

2404 Crestmoor Rd (5246274)
Nashville, TN 37215-0000 (cr)

Comenity Bank/express

ATTENTION: BANKRUPTCY DEPT (5246275)
Po Box 182686 (cr)
Columbus, OH 43218

Credit Coll

Po Box 773 (5246276)
Needham, MA 02494 (cr)

David Floyd & Associates, Inc
RE: WOODRIDGE OF NASHBORO (5246277)
2400 Crestmoor Rd. (cr)
NASHVILLE, TN 37215

DAVIDSON COUNTY GENERAL SESSIONS
CIVIL DIVISION (5246278)
P.O. Box 196304 (cr)
Nashville, TN 37219

Dept Of Ed/sallie Mae (5246279)
11100 Usa Pkwy (cr)
Fishers, IN 46037

Dept Of Veterans Affai (5246280)
Po Box 11930 (cr)
Saint Paul, MN 55111

ECMC (5300821)
P.O. Box 16408 (cr)
St. Paul, MN 55116-0408

Foxcollecent (5246281)
Po Box 528 (cr)
Goodlettsville, TN 37070

Gecrb/care Credit
ATTN: BANKRUPTCY (5246282)
Po Box 103104 (cr)
Roswell, GA 30076

Gecrb/paypal Smart Con
ATTN: BANKRUPTCY (5246283)
Po Box 103104 (cr)
Roswell, GA 30076

Lvnv Funding Llc (5246284)
Po Box 10497 (cr)
Greenville, SC 29603

MIDDLE TENNESSEE STATE UNIVERSITY
c/o John R. Cheadle, Jr., Esq. (5265470)
2404 Crestmoor Road (cr)
Nashville, TN 37215

Mil Star
ATTENTION: BANKRUPTCY (5246285)
Po Box 650060 (cr)
Dallas, TX 75236

Mtsu North Tennessee Blvd. Murfreesboro, TN 37132	(5246286) (cr)
NEIGHBOR MD C/O FOX COLLECTION CENTER PO BOX 528 GOODLETTSVILLE, TN 37070	(5285356) (cr)
Pentagroup Financial 5959 CORPORATE DR. Suite 1400 Houston, TX 77036	(5246287) (cr)
Pentagroupfi 5959 CORPORATE DR. Suite 1400 Houston, TX 77036	(5246288) (cr)
Portfolio Recovery Associates, LLC PO Box 12914 Norfolk VA 23541	(5347659) (cr)
Profess Acct Pam Po Box 391 Milwaukee, WI 53201	(5246289) (cr)
Public Savings Bank 1 Church St Rockville, MD 20850	(5246290) (cr)
Sallie Mae ATTN: CLAIMS DEPARTMENT Po Box 9500 Wilkes-barre, PA 18773	(5246291) (cr)
Sallie Mae Inc on behalf of the Dept of Education Department of Education P. O. Box 740351 Atlanta, GA 30374-0351	(5398728) (cr)
Sallie Mae, Inc. on behalf of USA Funds Attn: Bankruptcy Litigation Unit E3149 PO Box 9430 Wilkes Barre, PA 18773-9430	(5339305) (cr)
The Tennessee C U Po Box 22881 Nashville, TN 37202	(5246292) (cr)

TN Board of Regents - MTSU
c/o TN Attorney Generals Office (5285670)
Bankruptcy Division (cr)
PO Box 20207
Nashville, TN 37202-0207

U S A Funds
ATTENTION: BANKRUPTCY LITIGATION UNIT (5246293)
E3149, Po Box 9430 (cr)
Wilkes-barre, PA 18773

U S Dept Of Ed/gsl/atl
Po Box 4222 (5246294)
Iowa City, IA 52244 (cr)

Us Dep Ed
ATTN: BANKRUPTCY (5246295)
Po Box 16448 (cr)
Saint Paul, MN 55116

Usaa Federal Savings B
10750 Mcdermott Fwy (5246296)
San Antonio, TX 78288 (cr)

USAA Federal Savings Bank
9441 LBJ Freeway Suite 350 (5290704)
Dallas, TX 75243 (cr)

Verizon Wireless
VERIZON WIRELESS DEPARTMENT/ATTN: BANK (5246297)
Po Box 3397 (cr)
Bloomington, IL 61702

Wells Fargo
ATTENTION: BANKRUPTCY (5246298)
Po Box 29704 (cr)
Phoenix, AZ 85038